



April 1, 2021

ENGROSSED SENATE BILL No. 251

DIGEST OF SB 251 (Updated April 1, 2021 10:17 am - DI 140)

Citations Affected: IC 20-29.

Synopsis: Deduction of dues to exclusive representative. Provides that a school employee has the right to resign from, and end any financial obligation to, a school employee organization at any time. Provides that a school employee must annually authorize a pay deduction to a school employee organization. Provides that the attorney general, in consultation with the Indiana education employment relations board (board) shall prescribe an authorization for withholding form for use by a school employee to deduct dues from the pay of the school employee to the school employee organization. Adds certain requirements for information to be included on the form. Provides that after receiving the authorization for withholding form, the employer shall confirm the
(Continued next page)

Effective: Upon passage.

Boots, Rogers, Raatz, Houchin

(HOUSE SPONSORS — GOODRICH, BEHNING, PRESCOTT, CARBAUGH)

January 14, 2021, read first time and referred to Committee on Pensions and Labor.
February 11, 2021, amended, reported favorably — Do Pass.
February 15, 2021, read second time, ordered engrossed. Engrossed.
February 16, 2021, read third time, failed for lack of a constitutional majority. Yeas 24, nays 22.
February 18, 2021, re-read third time pursuant to Rule 81(a), passed. Yeas 27, nays 22.
HOUSE ACTION
March 4, 2021, read first time and referred to Committee on Employment, Labor and Pensions.
April 1, 2021, reported — Do Pass.

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Digest Continued

authorization by sending an electronic mail message to the school employee at the employee's school provided work electronic mail address and shall wait for confirmation of the authorization before starting any deduction. Specifies the time frame for (1) ceasing withholding upon receipt of a request, and (2) providing notice to the school employee organization. Provides that a school employer shall annually provide, at a time it prescribes, written or electronic mail notification to its school employees of their right to cease payment of school employee organization dues and to withdraw from that organization. Specifies what the notification must include. Provides that the attorney general, in consultation with the board and the department of education, must annually provide notice to school employers of certain provisions.



April 1, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 251

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-29-5-6, AS ADDED BY P.L.1-2005, SECTION
2 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]: Sec. 6. (a) **Subject to subsection (c)**, the school employer
4 shall, on receipt of the written authorization of a school employee:
5 (1) deduct from the pay of the employee any dues designated or
6 certified by the appropriate officer of a school employee
7 organization that is an exclusive representative of any employees
8 of the school employer; and
9 (2) remit the dues described in subdivision (1) to the school
10 employee organization.
11 (b) Deductions under this section must be consistent with:
12 (1) IC 22-2-6;
13 (2) IC 22-2-7; and
14 (3) IC 20-28-9-18.
15 (c) **After June 30, 2021, the following apply to a deduction**
16 **authorization by a school employee under subsection (a) or when**
17 **a school employer agrees with a school employee organization to**

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deduct school organization dues from a school employee's pay:

(1) A school employee has the right to resign from, and end any financial obligation to, a school employee organization at any time. The right described in this subdivision may not be waived by the school employee.

(2) The authorization for withholding form shall include the school employee's full name, position, school employee organization, and signature and shall be submitted directly to the school employer by the school employee. After receiving the authorization for withholding form, the school employer shall confirm the authorization by sending an electronic mail message to the school employee at the school employee's school provided work electronic mail address and shall wait for confirmation of the authorization before starting any deduction. If the school employee does not possess a school provided work electronic mail address, the school employer may use other means it deems appropriate to confirm the authorization.

(3) An authorization for school employee organization dues to be deducted from school employee pay shall be on a form prescribed by the attorney general, in consultation with the board, and shall contain a statement in 14 point type boldface font reading: "I am aware that I have a First Amendment right, as recognized by the United States Supreme Court, to refrain from joining and paying dues to a union (school employee organization). I further realize that membership and payment of dues are voluntary and that I may not be discriminated against for my refusal to join or financially support a union. I authorize my employer to deduct union dues from my salary in the amounts specified in accordance with my union's bylaws. I understand that I may revoke this authorization at any time."

(4) Authorizations by a school employee for the withholding of school employee organization dues from the school employee's pay shall not exceed one (1) year in duration and shall be subject to annual renewal. Any authorization submitted by a school employee to the school employer before July 1, 2021, expires on July 1, 2021, and must be resubmitted in accordance with this subsection.

(5) Upon the submission of a written or electronic mail request to a school employer, a school employee shall have the right to cease the withholding of school employee organization



1 dues from their pay. Upon receipt of a request, the school
2 employer shall:

3 (A) cease the withholding of school employee organization
4 dues from the school employee's pay beginning on the first
5 day of the employee's next pay period; and

6 (B) provide written or electronic mail notification of the
7 school employee's decision to the school employee
8 organization.

9 The notification in clause (B) must occur within a reasonable
10 time to ensure that the school employee is not required to
11 have dues withheld during the school employee's next pay
12 period or any subsequent pay period.

13 (6) A school employer shall annually provide, at a time the
14 school employer prescribes, written or electronic mail
15 notification to its school employees of their right to cease
16 payment of school employee organization dues and to
17 withdraw from that organization. The notification must also
18 include the following:

19 (A) The authorization form described in subsection (c)(3).

20 (B) The amount of dues that the school employee will be
21 liable to pay to the school organization during the duration
22 of the authorization, if the employee does not revoke the
23 authorization before it expires.

24 (d) On or before July 1, 2021, and not later than July 30 of each
25 year thereafter, the attorney general, in consultation with the
26 board and the department, must notify all school employers of the
27 provisions described in subsection (c). This notice must include the
28 authorization form described in subsection (c)(3).

29 SECTION 2. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 15, delete "The" and insert "**After June 30, 2021, the**".

Page 2, line 2, after "resign" insert "**from,**".

Page 2, line 3, after "obligation to" insert ",".

Page 2, line 21, delete "board" and insert "**attorney general, in consultation with the board,**".

Page 2, line 41, delete "immediately".

Page 3, line 1, delete "shall immediately provide written or" and insert "**shall:**

(A) cease the withholding of school employee organization dues from the school employee's pay beginning on the first day of the employee's next pay period; and

(B) provide written or electronic mail notification of the school employee's decision to the school employee organization.

The notification in clause (B) must occur within a reasonable time to ensure that the school employee is not required to have dues withheld during the school employee's next pay period or any subsequent pay period."

Page 3, delete lines 2 through 6.

Page 3, line 11, after "organization." insert "**The notification must also include the following:**

(A) The authorization form described in subsection (c)(3).

(B) The amount of dues that the school employee will be liable to pay to the school organization during the duration of the authorization, if the employee does not revoke the authorization before it expires.

(d) On or before July 1, 2021, and not later than July 30 of each year thereafter, the attorney general, in consultation with the board and the department, must notify all school employers of the provisions described in subsection (c). This notice must include the authorization form described in subsection (c)(3).

SECTION 2. An emergency is declared for this act."

and when so amended that said bill do pass.



(Reference is to SB 251 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 6, Nays 4.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 251 as printed February 12, 2021.)

VANNATTER

Committee Vote: Yeas 8, Nays 3

